

CITY OF ANGELS CITY COUNCIL MINUTES

Tuesday, September 3, 2013

Council Members Present: Mayor Elaine Morris, Vice Mayor Jack Lynch, Stuart Raggio, Wes Kulm and Bert Sobon

Staff Present: Michael McHatten, Derek Cole, Dave Myers, Dave Hanham, Julie McManus and Mary Kelly

4:00 p.m. CALL TO ORDER

Chair Morris called the City Council meeting to order at 4:00 p.m. The City Council convened to closed session. Chair Morris reconvened to open session at 5:55.

6:00 p.m. REGULAR MEETING

ACTION TAKEN IN CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION
Paragraph (1) of subdivision (d) of Govt. Code Section 54956.9 Difu, Croletto, Rosato and Turco v. City of Angels Camp, and City of Angels Camp Landscaping and Lighting District #1, Calaveras County Superior Court, Case No.13-cv-39523
Council Action: Direction given to staff.
- B. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION
Paragraph (1) of subdivision (d) of Govt. Code Section 54956.9 Hadley v. City of Angels, USDC, Eastern District, Case No. 1:13-cv-00218-AWI-MJS
Council Action: Direction given to staff.
- C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to subdivision (d)(4) of Government Code Section 54956.9
Council Action: Direction given to staff.

APPROVAL OF AGENDA

MOTION by Council Member Lynch, seconded by Council Member Raggio and carried 5-0 APPROVING THE AGENDA AS PRESENTED.

STAFF UPDATES

Julie McManus – Finance Officer

Informed Council that City Hall office hours have been extended an additional ½ hour. City Hall is now open until 4:30 p.m.

Michael McHatten – City Administrator

Asked Council to review the safety newsletter drafted by Steve Flaigg, Safety Officer.

COUNCIL UPDATES

Bert Sobon

- Attended the Museum Mixer on 8/22. Was well attended.
- Attended the AMA Booster Funday at Utica Park on 8/24.
- Attended UWPA as alternate where a presentation on in-line energy was very informative.

Wes Kulm

Attended the AMA Boosters Funday at Utica Park – very enjoyable.

Jack Lynch

- Attended weekly ACCC meetings. The City and ACBA participated in the decision to reschedule the Gold Rush Day event to October 19th.
- Attended UWPA. Discussed increasing the amount of water into the system. Excellent presentation on in-line energy.
- Attended Cal-LAFco conference in Squaw Valley. Judge Rosenberg from Yolo County presented "Rosenberg's Rules of Order".

PUBLIC COMMENT

Public comment period was opened at 6:15 pm. There were no comments from the public present.

CONSENT AGENDA

Council Member Lynch pulled Items 'c' and 'd' for discussion. Council Member Sobon pulled item 'e' for discussion.

MOTION by Council Member Kulm, seconded by Council Member Lynch and carried 5-0 ADOPTING CONSENT AGENDA ITEMS 'a', 'b' and 'f' AS PRESENTED:

- Approve Minutes of Regular meeting August 20, 2013.
- Adopt Resolution No. 13-25 Approving the Bret Harte High School Homecoming Parade
- Adopt Resolution No. 13-29 approving State Route 49 road closure October 19, 2013.

Consent Item 'c': Adopt Resolution No. 13-27 Approving the Misc. Non-Exempt MOU

Council Member Lynch reported that the MOU negotiations with the City and Employees was successful. The employees will now pay 8% of their PERS with an offset of 4% added to their salaries. The MOU had some clean-up language. He thanked the City Administrator, Employee attorney Mr. Phibbs and employee representatives.

Consent Item 'd': Adopt Resolution No. 13-28 Approving the Appropriations Limit for FY13-14

Council Member Lynch asked the Finance Officer how the formula for the appropriations limit was calculated. The Finance Officer reported that the State provides the formula based on a population factor.

Consent Item 'e': Consideration of a Unified Letter of Opposition to SB 594

Council Member Sobon suggested the wording in the letter be revised based on the August 30th vote by legislators. The City Administrator reported he received no updates from the League of California Cities. He will verify with the league.

MOTION by Council Member Kulm, seconded by Council Member Lynch and carried 5-0 ADOPTING CONSENT AGENDA ITEMS 'c', 'd' and 'e' AS PRESENTED:

- Adopt Resolution No. 13-27 Approving the Misc. Non-Exempt MOU
- Adopt Resolution No. 13-28 Approving the Appropriations Limit for FY 2013-2014
- Consideration of a Unified Letter of Opposition to SB 594

OATH OF OFFICE

The City Clerk administered the Oath of Office to Police Officer Kyle Hansen.

REGULAR AGENDA

1. 2011/2012 AUDIT REPORT

Ryan Jolley presented an overview of FY 2011-2012 audit. Council Member Lynch provided comments and voiced his concerns regarding the protection of the City's investments at RaboBank. Mr. Jolley stated that LAIF is secure but interest rates are low. The City Administrator explained that this investment is out-performing the monies the City has invested with LAIF but he and the Finance Officer will be researching investments with the Risk Management Authority Pool. Council Member Kulm asked if all the audit correction requests from previous years had been implemented. He as assured they were.

MOTION by Council Member Lynch, seconded by Council Member Sobon and carried 5-0
ACCEPTING THE 2011/2012 AUDIT REPORT.

2. **PUBLIC HEARING: WATER MASTER PLAN**

The City Engineer gave a brief background of the Water Master Plan (WMP). He stated that the City has received no questions or comments regarding the plan since it was presented on August 20th. Mr. Dave Richard from N/V/5 was present to answer any questions the Council may have.

7:05 Public Hearing Opened

The Mayor asked if there was anyone present who wished to speak on this agenda item. There being none, the Public Hearing was closed.

7:06 Public Hearing Closed

Council Member Lynch said he has several areas of concern. He said the Council is not in a position to vote on accepting the WMP because it has not been examined and discussed by the Council. He stated that in the past a workshop was held for reviewing the WMP. He proposed there be a workshop scheduled and if not, a sub-committee be formed with Council Members to discuss the WMP with the City Engineer. He said this was an excellent document but he would not support it without further discussion and review.

The City Administrator stated that the same format used for approving the WasteWater Master Plan was followed with the Water Master Plan. He will schedule a workshop with direction from Council. Council Member Raggio asked what concerns Council Member Lynch had. Mr. Lynch said some concerns he had included the population rate growth is not growing as shown in the WMP, some of the technical aspects of wells, etc. Mr. McHatten said the WMP was based on issues brought up in the water supply workshop. Mr. Lynch stated that there has not been sufficient detailed discussion for approving a plan that has a \$25M expenditure. Council Member Kulm reported that the WMP was a planning document and the City would not be committing funds. He said he also had concerns about the 2% growth model but the majority of issues in the WMP need to be done with or without growth. There needs to be a rate study to analyze what the growth rate is. Council Member Sobon said this documents is for evaluation and investigation. He asked Council to move forward and consider the document as written. Council Member Raggio said he supports moving forward with approving the document. Chair Morris said that the City needs to move forward with a rate study. Council Member Lynch said that in the past Council has approved planning documents and upon receiving them have found them different. Council Member Lynch made a motion to hold a WMP workshop allowing sufficient dialog before approving the \$25M plan. The motion died for lack of a second.

MOTION by Council Member Raggio, seconded by Council Member Sobon and carried 4-1 with Council Member Lynch voting 'NO', ADOPTING RESOLUTION NO. 13-26. A RESOLUTION ACCEPTING THE WATER MASTER PLAN

CALENDAR

Calendar was reviewed by the City Clerk.

MEETING WAS ADJOURNED AT 7:20 P.M.

Elaine Morris
Mayor

ATTEST:

Mary Kelly
City Clerk